

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BRIAN L. MASON,

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant

Civil No. C05-5501RBL

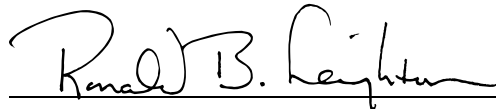
ORDER

Based on the stipulation of the parties it is hereby ORDERED that the above-captioned case be remanded for further administrative proceedings. Upon remand, the Administrative Law Judge (ALJ) will consider Plaintiff's physical impairments and their effect on Plaintiff's ability to do basic work activities. The ALJ will also consider the opinions of Russell M. Bragg, M.D., and provide rationale that explains the weight given to such opinion evidence, and, if rejected, the ALJ's reasons for doing so, based on evidence in the record. The ALJ will consider the lay witness testimony, particularly that of Tami L. Weishaar. The hearing decision should provide rationale that shows that the lay information was considered when assessing Plaintiff's credibility,

1 articulates the weight that was given to the lay information in the record, and if rejected, provides  
2 reasons that are germane to each lay source. The ALJ should further consider the “other” source  
3 opinion of Mac McIntyre, M.A., and provide rationale that explains the weight given to that  
4 opinion. The ALJ will reassess Plaintiff’s residual functional capacity as needed. The ALJ will  
5 also obtain supplemental vocational expert testimony, if warranted, and issue a new decision.  
6

7 This Court hereby reverses the Commissioner’s decision under sentence four of  
8 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See  
9 Melkonyan v. Sullivan, 501 U.S. 89 (1991).  
10

11 DATED this 15<sup>th</sup> day of December, 2005.  
12  
13  
14  
15

16   
17

18 RONALD B. LEIGHTON

19 UNITED STATES DISTRICT JUDGE

20 Recommended for Entry:  
21

22 /s/ J. Kelley Arnold  
23

24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27

1 Presented by:

2  
3 s/ CAROL A. HOCH WSB # 9289  
4 Special Assistant U.S. Attorney  
5 Attorney for Defendant  
6 Office of the General Counsel  
7 701 Fifth Ave, Ste 2900, M/S 901  
8 Phone: 206-615-2684  
9 Fax: 206-615-2531  
10 carol.a.hoch@ssa.gov  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27